

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 16-cr-20135

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

MICHAEL TAYLOR GARDNER,

UNITED STATES MAGISTRATE JUDGE
DAVID R. GRAND

Defendant.

**ORDER SUSTAINING DEFENDANT’S OBJECTION TO GOVERNMENT’S NOTICE OF
EXPERT TESTIMONY [69]**

Michael Taylor Gardner (“Defendant”) is currently standing trial for one count of Sex Trafficking of Children, in violation of 18 U.S.C. § 1591(a)(1), and one count for production of child pornography, in violation of 18 U.S.C. § 2251(a). *See* Dkt. No. 32.

Shortly after witness lists were exchanged between the parties on September 27, 2016, Defendant filed an objection to the Government’s potential expert witness, FBI Special Agent Amy Mentzel. *See* Dkt. No. 69. Defendant argues that notice of this expert witness was not timely or reasonably given, since it was provided one week before trial. *See id.* at 1. Defendant further argues that the Government did not provide a description of the “witness’s opinions, the bases and

the reasons for those opinions,” pursuant to Federal Rule of Criminal Procedure 16(a)(1)(G).

The Court has considered the motion and the Government’s response, and heard oral argument on this issue on October 4, 2016, shortly before jury selection. Based on the evidence and arguments presented, the Court finds that Defendant was not given sufficient notice to properly prepare for the proposed expert witness’s testimony. For this reason and reasons stated on the record, the Court sustains Defendant’s Objection to the Government’s Potential Expert Witness.

IT IS SO ORDERED.

Dated: October 5, 2016

/s/Gershwin A Drain
HON. GERSHWIN A. DRAIN
United States District Court Judge